

**DISCLAIMER**

*This electronic version of an SCC order is for informational purposes only and is not an official document of the Commission. An official copy may be obtained from the [Clerk of the Commission, Document Control Center](#).*

COMMONWEALTH OF VIRGINIA  
STATE CORPORATION COMMISSION

AT RICHMOND, JUNE 23, 1998

APPLICATION OF

ROANOKE GAS COMPANY

CASE NO. PUE960102

For an Annual Informational Filing

and

APPLICATION OF

ROANOKE GAS COMPANY

CASE NO. PUE960304

For expedited rate relief

ORDER ON MOTION FOR LEAVE TO PARTICIPATE

On June 17, 1998, Columbia Gas of Virginia, Inc. ("Columbia") filed a motion in the captioned matter (hereafter "Roanoke Case") requesting that the Commission receive portions of its Post-Hearing Brief filed in Application of Columbia Gas of Virginia, Inc., For a general increase in rates, Phase I, Case No. PUE970455 (hereafter "Columbia Case"). In essence Columbia requests leave to file a brief amicus curiae in the Roanoke Case on the following issues: "(1) whether it is appropriate to write-off regulatory assets to the bottom of a utility's authorized range of return on common equity if the utility is found to be earning within or above its authorized range of return and has regulatory assets on its books; and

(2) whether a weather normalization adjustment is appropriate when determining a utility's return on common equity in an earnings test." Columbia's Motion for Leave to Participate at 1 ("Columbia Motion" or "Motion"). Columbia maintains that these issues are common to both its case (Case No. PUE970455) and the Roanoke Case and are discussed in section II.A.1.(c) and (e) of Columbia's post-hearing brief submitted in Case No. PUE970455 and attached to its Motion. Columbia states that counsel for Roanoke Gas Company ("Roanoke" or "the Company") has authorized it to state that Roanoke does not object to Columbia's Motion.

NOW, upon consideration of Columbia's request, the Commission is of the opinion and finds that the issues raised by Columbia are now currently pending before Chief Hearing Examiner Deborah V. Ellenberg in Columbia Case No. PUE970455; and that the brief attached to Columbia's Motion contains references to facts and evidence not of record in Roanoke Case Nos. PUE960102 and PUE960304. We will not consider evidence in the Columbia case, but we will treat Columbia's request as a motion for leave to file a brief amicus curiae on the following two issues:

(1) Whether it is appropriate to write-off regulatory assets to the bottom of a utility's authorized range of return on common equity if the utility is found to be earning within or above its authorized range of return and has regulatory assets on its books; and (2) whether a weather normalization adjustment is

appropriate when determining a utility's return on common equity in an earnings test. We will direct Columbia to recast its arguments set out in section II.A.1.(c) and (e) of its brief in Case No. PUE970455 to remove all references to matters and evidence not in the record in the Roanoke Case.<sup>1</sup>

Columbia's brief should be filed by no later than June 25, 1998.<sup>2</sup> Other case participants, including Staff, in Columbia, Case No. PUE970455, may file a reply limited to the issues raised in Columbia's brief as recast in this proceeding by no later than July 6, 1998. Receipt of these briefs will not serve to make Columbia or participants in the Columbia Case parties to the Roanoke Case.

Accordingly, IT IS ORDERED THAT:

(1) Columbia may file with the Commission by June 25, 1998, a brief in the nature of a brief amicus curiae limited to the issues addressed in Section II.A.1(c) and (e) of its post-hearing brief in Case No. PUE970455, and removing all references to matters not of record in the Roanoke Case. Columbia shall,

---

<sup>1</sup> In an earlier case, the Commission's hearing examiner allowed Kentucky Utilities Company to file a similar pleading in a case in which it was not a party. Petition of Prince George Electric Cooperative for a declaratory judgment and Petition of RGC (USA) Mineral Sands, Inc. and RGC (USA) Minerals, Inc., Case No. PUE960295, Report dated November 24, 1997.

<sup>2</sup> In the future, requests to participate on an amicus basis should be filed as early as practicable in a proceeding, e.g., preferably when the matter is still before a Hearing Examiner, as was done in Case No. PUE960295.

on or before June 25, 1998, serve a copy of such filing on the participants in the Roanoke and Columbia Cases.

(2) Other case participants, including Staff, in Columbia, Case No. PUE970455, may file a reply with the Commission by no later than July 6, 1998, limited to the issues raised by Columbia's brief in the nature of amicus curiae. Each case participant filing a reply shall by July 6, 1998, serve a copy of its reply on the participants in the Roanoke and Columbia Cases.